

AN ORDINANCE re-establishing the Fort Wayne Police Merit System

1 WHEREAS, the City of Fort Wayne, Indiana, has,  
2 pursuant to I.C. 19-1-20, a Police Merit Bill;

3 WHEREAS, it is the desire of the City of Fort  
4 Wayne, Indiana, to retain this System;

5 WHEREAS, to retain this System, an Ordinance  
6 must be passed by the Common Council of the City of Fort  
7 Wayne, Indiana, before January 1, 1983;

8 WHEREAS, this Ordinance is adopted pursuant  
9 to I.C. 36-8-3.5-1(b).

10 NOW THEREFORE BE IT ORDAINED BY THE COMMON  
11 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

12 SECTION 1. The Common Council of the City  
13 of Fort Wayne, Indiana, does, by this Ordinance, re-  
14 establish the Fort Wayne Police Merit System by incorporating  
15 herein all of the provisions of the prior applicable  
16 statutes in their entirety.

17 SECTION 2. That by incorporating herein  
18 all of the provisions of the prior statutes, the Common  
19 Council of the City of Fort Wayne, Indiana, has re-affirmed  
20 and re-enacted the provisions of the following enumerated  
21 statutes:

22 1. I.C. 19-1-20-1, which shall be added to  
23 the Municipal Code of the City of Fort Wayne, Indiana, and  
24 known as Section 1-30.

25 2. I.C. 19-1-20-2, which shall be added to  
26 the Municipal Code of the City of Fort Wayne, Indiana, and  
27 known as Section 20-131; provided, however, that the Police  
28 Commission appointees therein referred to shall continue  
29 for the present terms as previously established.

30 3. I.C. 19-1-20-3, which shall be added to  
31 the Municipal Code of the City of Fort Wayne, Indiana, and  
32 known as Section 20-132.

1                   4. I.C. 19-1-20-4, which shall be added to  
2 the Municipal Code of the City of Fort Wayne, Indiana, and  
3 known as Section 20-133.

4                   5. I.C. 19-1-20-5, which shall be added to  
5 the Municipal Code of the City of Fort Wayne, Indiana, and  
6 known as Section 20-134.

7                   6. I.C. 19-1-20-6, which shall be added to  
8 the Municipal Code of the City of Fort Wayne, Indiana, and  
9 known as Section 20-135; provided, however, that appointments  
10 made thereunder need not be re-established due to the fact  
11 that appointments have already been made pursuant to that  
12 Section.

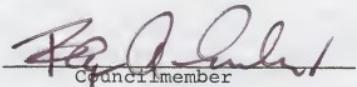
13                  7. I.C. 19-1-20-7, which shall be added to  
14 the Municipal Code of the City of Fort Wayne, Indiana, and  
15 known as Section 20-136.

16                  8. I.C. 19-1-20-8, which shall be added to  
17 the Municipal Code of the City of Fort Wayne, Indiana, and  
18 known as Section 20-137.

19                  SECTION 3. That attached hereto, as a part  
20 hereof, as Exhibit "A", is the complete and full language  
21 of the statutory sections herein referred to and same is  
22 made a part hereof. It is noted that said statutes may  
23 refer to certain acts that had to be done within a certain  
24 time frame after the establishment of the act (June 1,  
25 1981), and such acts have already occurred.

26                  SECTION 4. If any section, clause, sentence,  
27 paragraph, part or provision of this Ordinance shall be  
28 held invalid, it shall be conclusively presumed that this  
29 Ordinance would have been passed by the Common Council  
30 without such invalid section, clause, sentence, paragraph,  
31 part or provision.

1 SECTION 5. This Ordinance shall be in full  
2 force and effect from and after its passage and any and  
3 all necessary approval by the Mayor.

4   
5 Councilmember

6  
7 APPROVED AS TO FORM AND LEGALITY  
8 THIS 13 DAY OF Ore., 1982.

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10 BRUCE O. BOXBERGER, CITY ATTORNEY

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Read the first time in full and on motion by Cesario,  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on 19, the 19 day of January, o'clock 10:00 A.M., E.S.T.

DATE: 12-24-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Cesario,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHOMBURG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCRUGGS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 12-28-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. J-233-82  
on the 28th day of December, 1982

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 28th day of December, 1982, at the hour of  
11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 12 day of January  
1983, at the hour of 10:30 o'clock A.M., E.S.T.

WIN MOSES, JR.  
WIN MOSES, JR. - MAYOR

BILL NO. S-82-12-04

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN  
ORDINANCE re-establishing the Fort Wayne Police Merit System

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HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

12/24/82  
DATE CHARLES W. WESTERMAN, CITY CLERK

ENCLOSED IN

# EXHIBIT A

19-1-19-1 LOCAL GOVERNMENT SERVICES—PUBLIC SAFETY

68

## CHAPTER INDEMNIFICATION OF POLICEMEN

### SECTION.

19-1-19-1. Indemnification of police officers by cities and towns.

19-1-19-2. Authorization for indemnity insurance.

### SECTION.

19-1-19-3. Use of general fund for indemnification or insurance.

19-1-19-1 [48-6175a]. Indemnification of police officers by cities and towns.—Any city or town is authorized to enact an ordinance providing for the indemnification of the police officers of any city or town for any judgment recovered against them, in any court of law, growing out of a civil action brought against such officers to recover damages to persons or property resulting from the alleged acts of negligence, wrongful acts or omissions of the police officers while acting within the scope of their authority and employment. [Acts 1963, ch. 297, § 1, p. 509.]

Title of Act. The title of Acts 1963 reads: "An act concerning the indemnification of police officers."

19-1-19-2 [48-6175a]. Authorization for indemnity insurance.—Any city or town is authorized to procure insurance to indemnify the police officers of the city or town against liability for injuries or damages to persons or property resulting from the alleged acts of negligence, wrongful acts or omissions of the police officers while acting within the scope of their authority and employment. [Acts 1963, ch. 297, § 2, p. 509.]

19-1-19-3 [48-6175b]. Use of general fund for indemnification or insurance.—The common council of any city or town, or the board of trustees of any town, is authorized to appropriate from the general fund of the city or town an amount sufficient to pay any indemnities authorized to be paid by the provisions of this act [19-1-19-1—19-1-19-2] and any premiums for the purpose of indemnity insurance. [Acts 1963, ch. 297, § 3, p. 509.]

Repealed. Section 4 of Acts 1963, ch. 297 repealed Acts 1957, ch. 166.

## CHAPTER 20

### POLICE COMMISSIONS IN SECOND-CLASS CITIES OF MORE THAN [176,000] POPULATION

#### SECTION.

19-1-20-1. Police commission in city of over 176,000 population in county with population between 280,000 and 450,000.—Application of act.

19-1-20-2. Police commission — Membership — Qualifications — Appointments — Election by members of police department — Per diem and salaries — Vacancies — Removal — Quorum.

#### SECTION.

19-1-20-3. Rules and regulations—Public hearing — Publication of notice — Filing — Organization.

19-1-20-4. Eligibility for promotion — Basic components in rating — Relative weight — Captain and higher rank — Review of rating.

19-1-20-5. Evaluation report.

## SECTION.

19-1-20-6. Existing ranks continued temporarily—Competitive examinations for permanent rank—Captain and higher ranks excepted—Qualifications.

## SECTION.

19-1-20-7. Rankings and promotions subject to rules, regulations and statutes.

19-1-20-8. Compulsory retirement age.

**19-1-20-1 [48-6286]. Police commission in city of over 176,000 population in county with population between 280,000 and 450,000—Application of act.**—This chapter [19-1-20-1—19-1-20-8] shall apply to any city of the second class having a population in excess of one hundred seventy-six thousand [176,000] and located in a county having a population of not less than two hundred eighty thousand [280,000] nor more than four hundred fifty thousand [450,000] according to the last preceding United States census. [Acts 1969, ch. 309, § 1, p. 1286; 1971, P. L. 283, § 1, p. 1134.]

**Compiler's Notes.** The bracketed figures "176,000" in the chapter designation were substituted by the compiler for "150,000" because of the change by the 1971 amendment.

According to 18-2-1-1 and the 1970 federal census, Fort Wayne is the only city with a population in excess of 176,000 located in a county having a population of 280,000 to 450,000.

**Title of Act.** The title of Acts 1969, ch. 309, reads: "An act to establish a police commission for any city of the second class having a population in excess of 160,000 and located in a county having a population of not less than 235,000 nor more than 250,000, according to the last preceding United States census." In force June 1, 1971.

**Title of Amendatory Act.** The title of Acts 1971, P. L. 283, reads: "An act to amend [C 1971, 19-1-20 as it relates to

police commissions in second-class cities."

**Amendment.** The 1971 amendment substituted the numbers 176,000, 280,000 and 450,000 for 160,000, 235,000 and 250,000, respectively.

**Cross-References.** Clothing and equipment of fire and police departments, allowance, 19-1-10-1, 19-1-10-2.

Hours of service of police, 19-1-16-1.

Medical and surgical care for firemen and policemen, 19-1-13-1, 19-1-13-2.

Police and fire chiefs, minimum salaries, 19-1-9-1—19-1-9-3.

Police pension fund, 19-1-24-1.

Removal of firemen and policemen, 18-

1-11-3.

Residence requirements for police and firemen, 19-1-2-1.

Salaries of firemen and policemen, minimum, 19-1-5-1.

**19-1-20-2 [48-6286a]. Police commission — Membership — Qualifications — Appointments — Election by members of police department — Per diem and salaries — Vacancies — Removal — Quorum.**—Within thirty [30] days after the effective date [June 1, 1971] of this act, the police commission for the police department of any city of the second class shall be appointed as hereinafter provided. The police commission of the police department, hereinafter referred to as the commission, shall consist of five [5] members, none of whom shall be a member of the police department. The members of the commission shall have been legal residents of the aforementioned city for at least three [3] years, and shall be person of good moral character. The members of the commission shall be drawn from a broad cross section of persons representative of the citizens of the city and who have an interest in, or a knowledge and understanding of the various phases of law enforcement, as performed by the police department of such city. The men and women of the commission shall be appointed as follows: the police department shall make two [2] appointments to the commission; and the mayor of said city shall make two [2] appointments to the commission. One [1] of the appointments made

by the mayor and police department shall be from one [1] of the two [2] major political parties, and the other appointment made by the mayor and police department shall be from the other of the two [2] major political parties. These four [4] persons will select a fifth member by unanimous vote. In case of a deadlock or tie vote, the mayor shall break the tie and appoint the fifth member of the commission. In the first instance of two [2] members to be elected and appointed by the active majority of the police department, one [1] shall serve for a term of two [2] years, and one [1] shall serve for a term of three [3] years; such determination dependent on the two [2] persons receiving the greatest number of votes in the election by the active police department members. In the instance of the appointments made by the mayor, one [1] member shall serve for a term of one [1] year; the second appointment by the mayor shall serve for four [4] years. The fifth member selected by unanimous vote of the other four [4] members, or, in case of a deadlock, by the mayor, shall serve on said commission for four [4] years. Thereafter, the terms of the commission shall be for a term of four [4] years. The appointments by the active membership of the police department shall be made at a meeting specifically called for such purpose by the board of public safety, hereinafter referred to as the board. The board shall give at least one [1] week's notice of said meeting to all active members of the police department, by posting a copy of the notice of the meeting in at least three [3] prominent locations in the central station police department, and by sending every active police officer post cards indicating the time and place of the meeting. No one shall be entitled to be present at the meeting and exercise the right to vote unless he or she is an active member of the police department. Active members of the police department who are unable to attend such meeting may vote by written proxy. This proxy must be notarized and put into a sealed envelope and sent to the chairman of the election committee prior to the election, to be opened by the chairman immediately after the counting of the ballots at said meeting on the day of election. An active member of the police department shall be elected to act as chairman of the meeting, and the chairman shall have charge of the conduct of the election. Voting shall be by secret ballot and the two [2] persons receiving the greatest number of votes, including all votes by proxy, shall be named as members of the commission representing the active members of the police department. The results of the election shall be tabulated and filed with the clerk of the city. Persons shall be ineligible to serve as a member of the commission if he or she holds a full-time political appointment, or has held any full-time political appointment in the preceding four [4] years. Every member appointed on said commission shall take and subscribe to an oath that he or she will conscientiously and faithfully discharge the duties of his office. Said oath shall be filed with the clerk of the city. The five [5] members of the commission shall be paid a per diem allowance for each day of actual service in the amount to be fixed by the commission, subject to the approval of the city council, and in addition, the members shall be paid a salary, not to exceed five hundred dollars [\$500] per year for each member, subject to the approval of the city council. The unexpired term for any reason, including death, sickness, or resignation, of any member of this commission, shall be filled by appointment in the same manner as the appointments of the members of the commis-

sion whose terms have expired. Any commission member may be removed for cause in the same manner that police officers are removed. Three [3] members of the commission shall constitute a quorum for the transaction of official business; all official business may be transacted only formally and after each member of the commission has been notified of the time and place of the meeting by certified mail. [Acts 1969, ch. 309, § 2, p. 1286.]

**19-1-20-3 [48-6286b]. Rules and regulations — Public hearing — Publication of notice—Filing—Organization.**—Such commission shall establish rules and regulations to implement the provisions of this act [19-1-20-1—19-1-20-8] affecting rating and promotion of all policemen below the rank of captain, but which shall not in any way limit or circumscribe the powers and duties delegated to the board of public safety in any such city of the second class relating to any matters other than the rating and promotion of such policemen. Before any rules and regulations, as provided in this section, shall be adopted by the commission, the commission shall provide for a public hearing to consider the adoption of the proposed rules and regulations. The commission, at least ten [10] days prior to the fixed date for such public hearing, shall cause a notice of the hearing to be published in two [2] newspapers of general circulation in said city. The notice shall contain an announcement of the time and place of the hearing and a resumé of the subject-matter of the proposed rules and regulations. At least ten [10] days prior to the hearing, one [1] copy of the proposed rules and regulations shall be placed on file in the office of the city clerk and shall be open to inspection to any citizen of such city, and three [3] copies of the proposed rules and regulations shall be forwarded to the chief of police and retained by him on file in the police department. At the hearing, any legal resident of said city, including any member of the police department, shall be afforded the opportunity to be heard on any matter relative to the adoption of proposed rules and regulations, and shall be allowed to present either written or oral testimony. All testimony so presented shall be given due consideration by the commission in making its final decision on adopting the proposed rules and regulations. Other review procedures shall be modeled after those outlined in IC 1971, 4-21-1 [4-22-1-1—4-22-1-30]. The commission shall be authorized to elect from its members a president, vice-president, and secretary, for a period of one [1] year. The secretary of the commission shall make and keep a permanent record of its proceedings. The commission shall be authorized and directed to prepare and adopt rules and regulations governing; One. The rating of persons employed as members of the police department and, Two. Promoting members of the police department up to and including lieutenant from the next lower rank. [Acts 1969, ch. 309, § 3, p. 1286; 1971, P. L. 283, § 2, p. 1134.]

Amendment. The 1971 amendment substituted the word "lieutenant" for "sergeant" in the last sentence of this section.

**19-1-20-4 [48-6286c]. Eligibility for promotion—Basic components in rating—Relative weight—Captain and higher rank—Review of rating.**—Such rules and regulations shall prescribe that the following four [4] factors shall be the basic components in rating a member of the police department, and that such rating shall determine the eligibility

of all police personnel for promotion to new positions or to fill vacancies in all ranks below captain. All police personnel interested in promotion under the provisions of this act [19-1-20-1—19-1-20-8] are eligible to take a written competitive examination for a rating, as hereinafter provided.

Number 1. The grade received by a member on a written competitive examination pertaining to police work in said city.

Number 2. The past performance record of a member of the police department.

Number 3. The seniority rights of a member of the police department.

Number 4. A personal interview by the commission.

Provided That for two [2] years following the effective date [June 1, 1971] of this act, the grade received on written competitive examination shall be weighted as 20 per cent of the rating; the past performance shall be weighted as 20 per cent of the rating; all present members of the police department shall be given up to 40 per cent at the inception of this act; the seniority rights of a member to be based on the number of years service, at a rate of 2 per cent for each year's service up to and including twenty [20] years shall be considered as 40 per cent of the rating. A personal interview of the member of the police department by the commissioners shall be considered 20 per cent of the rating. Two [2] years after the inception of this law, the written competitive test shall count as forty per cent [40%] of the rating; past performance shall count as 40 per cent of the rating; seniority rights will be based on the number of years of service as a member of the police department, at the rate of  $\frac{1}{2}$  of 1 per cent (one-half of one per cent) for each year's service up to an [and] including twenty [20] years, and the personal interview by the commissioners shall be considered 10% of the rating. To prescribe the manner of determining a rating for past performance, Provided That such rules and regulations shall contain a provision requiring that performance ratings shall be made every three [3] months for each member of the police department, not including captains and higher ranks. These ratings shall be made by the immediate superior officer of the member and shall be given to the member in person by his superior officer so that the member has full knowledge of his rating. Such ratings shall then be submitted to the chief of police and kept on file permanently in this office; Provided further That such rules and regulations shall provide that the chief of the police department shall allow any member to see his rating upon request. If then any member is dissatisfied with his rating, he may submit a written statement to be attached permanently to such report and may request a hearing with the commission within thirty [30] days of such rating being disclosed to the officer. The commission will then hear his case and the report with his immediate superior officer present. The commission shall have the authority to affirm the rating or to increase same. All promotions to any rank shall be made from the next immediate lower rank, except captain through chief of police, as hereinafter provided. No acting or temporary rank shall exceed three [3] months. The commission shall not have the authority to appoint or remove from rank any member of the police department from captain through chief of said department, but the mayor of said city, or the board of safety shall have the authority to promote or demote any member of the police department from cap-

tain through police chief. Demotion of any member of the police department from captain through chief of said department shall be demotion from rank only and not removal from the department. Any person demoted from the rank of captain or above shall be assigned to a rank determined by the board of safety, but in no event to a rank below the rank of sergeant. Provided further That said examination papers shall be made a part of the permanent file of the individual officer taking the examination, and they shall be retained in the office of the chief of police, and said individual shall have access to examine the same any time in the presence of the chief of police. [Acts 1969, ch. 309, § 4, p. 1286.]

*Compiler's Notes.* The words "one-half      The bracketed word "and" was inserted  
of one per cent" enclosed in parentheses      by the compiler.  
so appeared in the original act.

19-1-20-5 [48-6286d]. Evaluation report.—There shall be an evaluation report that shall be maintained on all police personnel which shall be considered in determining their past performance record. The report shall be made up of at least five [5] descriptive areas, including their initiative, loyalty, appearance, conduct and efficiency and each descriptive area shall contain five [5] grading levels based on proficiency. The evaluation report shall also contain a comment section. This comment section shall be used by the immediate superior for further evaluation. This evaluation shall be limited to overall description. [Acts 1969, ch. 309, § 5, p. 1286.]

19-1-20-6 [48-6286e]. Existing ranks continued temporarily—Competitive examinations for permanent rank—Captain and higher ranks excepted—Qualifications.—All persons who are members of the police department of said city of the second class at the time of the effective date [June 1, 1971] of this chapter, shall hold their respective ranks temporarily. The commission members shall, within a one [1] year period after their appointment, hold open competitive examinations for all members of the police department for the purpose of determining who will hold specific ranks in the department below that of captain. Promotions and ranks shall become effective within this one [1] year period, with the exception that any person who holds the rank of chief of police shall continue to hold his office and his qualifications shall not be subject to the examination procedures of the commission. [When appointing the police chief after the effective date of this chapter, the mayor must make that appointment from a member of the police department with a rank of not less than a sergeant. Promotions in the police department in said city shall be approved and made by the commission from active personnel of said department; Provided That any member, in order to be eligible for appointment to the rank of captain through chief of the department, shall be required to have served continuously as an active member of said department for at least five [5] years immediately preceding his appointment to captain or above, and also, Provided That he has attained the rank of sergeant through the process herein provided.] The mayor of said city shall have the authority to appoint captains through chief of police under the conditions herein set out. [Acts 1969, ch. 309, § 6, p. 1286; 1971, P. L. 283, § 3, p. 1134.]

Amendment. The 1971 amendment substituted the words "herein provided" for "of competitive examinations" in the last proviso in this section and the word "chapter" for "act" each time it appears.

**19-1-20-7 [48-6286f]. Rankings and promotions subject to rules, regulations and statutes.**—All rankings and promotions made by the commission shall be subject to the rules and regulations of the commission, subject to the statutes of the state of Indiana. [Acts 1969, ch. 309, § 7, p. 1286.]

**19-1-20-8 [48-6286g]. Compulsory retirement age.**—Any officer of said police department upon reaching the age of sixty [60] years, must retire in the month of his sixtieth birthday. [Acts 1969, ch. 309, § 8, p. 1286.]

**Effective Date.** Section 9 of Acts 1969, ch. 309 provided that the act should become effective June 1, 1971.

## CHAPTER 21

### POLICE DEPARTMENTS IN CITIES OF THE SECOND CLASS OF OVER [125,000] WHICH ARE LOCATED IN COUNTIES WITH TWO OTHER SECOND-CLASS CITIES

SECTION.	SECTION.
19-1-21-1. Cities of second class over 125,000 population located in county having two other second-class cities.	19-1-21-1. Police appointments—Eligibility—Applications—Examination—Police school—Enrollees 114—Vacancies—Probationary period.
19-1-21-2. Civil service commission — Members — Terms — Qualifications — Salaries — Vacancies.	19-1-21-5. Dismissals and suspensions—Retirement—Construction.
19-1-21-3. Duties of commission—Rules and regulations — Exemptions.	19-1-21-6. Reduction in number of members—Reinstatement.
	19-1-21-7. Operation of act — Expenses of board.

**19-1-21-1 [48-6241]. Cities of second class over 125,000 population located in county having two other second-class cities.**—This act [19-1-21-1—19-1-21-7] shall apply to cities of the second class having a population of 125,000 or over according to the last preceding United States decennial census, and which cities are located in a county having at least two [2] other cities of the second class. [Acts 1939, ch. 37, § 1, p. 132; 1957, ch. 73, p. 1, p. 134.]

**Compiler's Notes.** The bracketed figure "125,000" in the former designation was substituted for "100,000" by the compiler.

According to 19-1-21-1 and the 1970 federal census entry is the only city of the second class with a population over 125,000 located in a county having two other cities of the second class.

The title of Act. The title of Acts 1939, ch. 37 reads: "An act concerning police departments in cities of the second class having a population of 90,000 or over according to the last preceding United States census and which cities are located in a county having at least two other cities of the second class and repealing all laws and parts of laws in conflict therewith, and declaring an emergency." In force May 1, 1939.

Section 2 of Acts 1957, ch. 73, amended the title of Acts 1939, ch. 37, to read: "An act concerning police departments in cities of the second class having a population of 125,000 or over according to the last preceding United States decennial census and which cities are located in a county having at least two other cities of the second class."

Amendment. The 1957 amendment increased the minimum population from 90,000 to 125,000, and inserted the word "decennial" preceding "census."

Emergency. Section 3 of Acts 1957, ch. 73 declared an emergency. Approved March 7, 1957.

Cross-References. Clothing and equipment of fire and police departments, allowance, 19-1-10-1, 19-1-10-2.

Fire force platoons, 19-1-11-1, 19-1-42-1, 19-1-43-1.